

Message Text

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C O N F I D E N T I A L TRIPOLI 1491

E.O. 11652: GDS
TAGS: PGOV, LY
SUBJ: GENERAL PEOPLE'S CONGRESS DISCUSSES MAJOR REORGANIZATION
OF LARG

REF: TRIPOLI 1342, TRIPOLI 1473

SUMMARY: QADHAFI PROPOSES BASIC REORGANIZATION OF LARG,
CHANGE OF ITS NAME. ISLAMIZATION OF LAWS, POPULAR RULE
WITH ULTIMATE AUTHORITY RESTING IN GENERAL PEOPLE'S
CONGRESS MAY BE STEP TOWARDS DEMOCRACY IN LIBYA.
MORE IMMEDIATE EFFECT WOULD BE TO STRENGTHEN RCC CHAIR-
MAN'S RUN OF COUNTRY. END SUMMARY

1. LIBYA'S GENERAL PEOPLE'S CONGRESS WAS PRESENTED NOV. 23
WITH COL. QADHAFI'S PLAN FOR A MAJOR REORGANIZATION OF THE
LIBYAN GOVERNMENT. THE PLAN, OUTLINED BY MINISTER OF
JUSTICE MUHAMMAD ALI AL-JADI, CALLED FOR SWEEPING
CHANGES IN PRESENT STRUCTURE OF COUNCIL OF MINISTERS,
PRIME MINISTERS AND OTHER MINISTERIAL OFFICES.
THE DRAFT RESOLUTION ALSO PROPOSES THAT THE OFFICIAL
NAME OF THE GOVERNMENT BE CHANGED TO THE "LIBYAN
ARAB PEOPLE'S REPUBLIC." THE JUSTICE MINISTRY ALSO
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PROPOSED THAT THE KORAN REPLACE LIBYA'S PRESENT LEGAL

CODE WHICH IS BASED PRIMARILY ON ITALIAN LAW. THIS PROPOSAL SPARKED HEATED AND SOMETIMES IMPASSIONED DEBATE WHICH COL. QADHAFI UNCHARACTERISTICALLY DID NOT CUT OFF BY EMPLOYING A MASTER SWITCH WHICH CONTROLS THE MICROPHONES OF SPEAKERS FROM THE FLOOR. ONE SPEAKER WAS ALLOWED TO EXPRESS HIS FEARS THAT KORANIC LAW WAS NOT APPLICABLE TO BUSINESS. HE ARGUED THAT THE PRESENT CONGRESS HAD NO RIGHT TO DETERMINE LAWS UNDER WHICH ALL LIBYANS MUST LIVE. QADHAFI REPLIED THAT IF MISTAKES WERE CREATED BY THE PRESENT CONGRESS THAN FUTURE SESSIONS WITH DELEGATES EXPRESSING THE PEOPLE'S WILL COULD CHANGE THOSE DECISIONS.

2. LITTLE DEBATE FOLLOWED THE JUSTICE MINISTRY'S RECOMMENDATION THAT DIRECT POPULAR DEMOCRACY SHALL BE THE BASIS OF LIBYA'S POLITICAL SYSTEM IN WHICH THE ULTIMATE AUTHORITY OF THE GOVERNMENT WOULD ALLEGEDLY BE EXERCISED THROUGH THE PEOPLE'S CONGRESSES, COMMITTEES AND TRADE UNIONS. THE PROPOSAL ALSO CALLED FOR ENROLLMENT OF ALL LIBYANS INTO BASIC (NEIGHBORHOOD) CONGRESSES AND THE ELECTION OF THEIR LEADERSHIP COMMITTEES AND SECRETARIES. THESE CONGRESSES REPORTEDLY WILL ELECT COMMITTEES TO CONTROL ALL OF LIBYA'S PUBLIC SERVICES.

3. THE JUSTICE MINISTER ALSO PROPOSED THE CREATION OF LABOR UNIONS SO ITS MEMBERS CAN "DEFEND THEIR PROFESSIONAL RIGHTS."

4. SIGNIFICANTLY, THE JUSTICE MINISTER SUBMITTED A RECOMMENDATION CREATING A GENERAL SECRETARIAT IN THE GENERAL PEOPLE'S CONGRESS. ACCORDING TO THE PLAN THE

SECRETARIAT WOULD BE RESPONSIBLE FOR IMPLEMENTING LEGISLATION OF THE CONGRESS. ARTICLE 4 OF THE JUSTICE MINISTRY PLAN POTENTIALLY BODES ILL FOR PM JALLUD (REFTEL). IT CALLS FOR THE ELECTION OF SECRETARY GENERAL AND PRESIDENT OF THE CONGRESS AND GIVES THE CONGRESS THE AUTHORITY FOR THEIR DISMISSAL AND

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THAT OF OTHER SECRETARIES. ANOTHER PROPOSAL CALLS FOR CHANGING THE PRESENT COUNCIL OF MINISTERS INTO THE CONGRESS' GENERAL SECRETARIAT AND DESIGNATING RESPECTIVELY THE PRIME MINISTER AND THE OTHER MINISTERS AS SECRETARY GENERAL AND SECRETARIES. EACH THEORETICALLY WILL BE SUBJECT TO REMOVAL BY THE CONGRESS. FURTHERMORE THE JUSTICE MINISTRY PROPOSAL MAKES EACH SECRETARY (MINISTER) RESPONSIBLE TO THE CONGRESS FOR THEIR PERFOR-

MANCE IN OFFICE. THE JUSTICE MINISTRY ALSO RECOMMENDED THAT THE PRESIDENT OF THE CONGRESS, WHO WILL BE ELECTED BY THAT BODY, SHALL ADMINISTER ITS SESSIONS, SIGN LAWS ADOPTED BY CONGRESS AND ACT AS TITULAR HEAD OF GOVERNMENT FOR RECEIVING CREDENTIALS OF AMBASSADORS TO LIBYA.

5. THE JUSTICE MINISTRY ALSO RECOMMENDED PROPOSALS ON PROCEDURAL MATTERS CONCERNING THE REPLACEMENT OF THE CONGRESS' PRESIDENT WHO BECAUSE OF HIS ABSENCE, OR OTHER "IMPEDIMENT PREVENTING HIM FROM EXERCISING HIS FUNCTIONS, THE CONGRESS SECRETARY GENERAL SHALL TEMPORARILY REPLACE." THE MINISTRY ALSO RECOMMENDED THAT THE COUNTRY'S BUDGET BE ISSUED AND RATIFIED AS LAW BY THE CONGRESS. THE ONLY PROPOSAL THAT DEPARTED FROM THE JUSTICE MINISTRY'S GENERAL REORGANIZATION THEME WAS A RECOMMENDATION THAT THE CONGRESS LEGITIMIZE UNIVERSAL MILITARY SERVICE

(DRAFT ALREADY BEING IMPLEMENTED AS LARG POLICY). COMMENT: IF THE CONGRESS APPROVES THE REORGANIZATIONAL PROPOSALS OF QADHAFI, THEN THE COLONEL BELIEVES HE WILL HAVE LEGITIMIZED HIS RULE OF LIBYA ORIGINALLY ACQUIRED BY MILITARY COUP. WHILE OSTENSIBLY THE PROPOSALS WOULD CREATE A DEMOCRATIC FORM OF GOVERNMENT, THEY NEVERTHELESS PROVIDE THE RCC CHAIRMAN WITH A MECHANISM FOR ABOLISHING THE PRESENT RCC. SIGNIFICANTLY, THE KEY POSITIONS OF QADHAFI AS NEWLY NAMED HIGH COMMANDER OF LIBYAN ARMED FORCES, ABU BAKR YUNIS AS COMMANDER-IN-CHIEF OF ARMED FORCES, AND MUSTAFANIZ KHARUBI AS CHIEF OF STAFF DO NOT COME UNDER THE NEW AUTHORITY OF THE GENERAL PEOPLE'S CONGRESS BUT JALLUD'S POSITION AS PRIME MINISTER DOES. CARLE

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